

**ODISHA ELECTRICITY REGULATORY COMMISSION
BUDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNOKOLI, SAILASHREE VIHAR
BHUBANESWAR - 751021

Present: **Shri Gajendra Mohapatra, Officiating Chairperson
Shri S. K. Ray Mohapatra, Member**

Case No. 24/2022

M/s. NALCO
Vrs.
OREDA

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Petitioner

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Respondents

In the matter of: **Application for direction to allow carry forward of the yearly RPO up to 31.03.2021, consider the amount of Captive Co-generation energy consumed from the total captive energy consumption for determination of RPO and to permit off-setting of the balance Solar RPO, if any, with the surplus non-solar RECs from its wind power plants, based on OERC Notification dated 31.12.2019 and Order dated 02.11.2020 of Hon'ble APTEL.**

For Petitioner: Shri R. P. Mahapatra, authorized representative of NALCO, Shri Suresh Chandra Mishra, G.M (Environment), NALCO.

For Respondent: Ms. Sujata Das, OREDA.

ORDER

Date of Hearing: 31.05.2022

Date of Order: 13.07.2022

The Petitioner, M/s. National Aluminum Company Limited (NALCO) is having Alumina & Aluminum integrated complex at Damanjodi and Angul in the state of Odisha. For meeting the requirement of electric power, the Petitioner has commissioned a) CGP with 10 Units of capacity 120 MW each (10X120 MW) at Angul; b) Steam & Power plant with 5 Units of capacity 18.5 MW each (5X18.5 MW); c) solar PV Projects of 630 KWp at 3 locations, namely NALCO Corporate Office, Township Buildings & NALCO NRTC- I & II Buildings; and d) Wind Projects of 198.4 MW at 4 locations namely, one in Andhra Pradesh, two in Rajasthan and one in Maharashtra. The solar power generated from solar projects is self-consumed by NALCO and have been reflected in the Renewable Purchase Obligation (RPO) compliance. For the wind projects, non-Solar RECs are issued by REC Registry. The non-Solar RECs to the extent required for RPO Compliance are retained by the Petitioner.

The Petitioner has prayed before the Commission to (a) Declare NALCO as a fully compliant entity for the 1st Control Period (2011-12 to 2015-16 till 09.10.2015) and to

issue suitable guidelines in this regard as requested by OREDA; and (b) Confirm that for 2nd Control Period (2015-16 from 10.10.2015 till 2019-20) and for subsequent period till the Commission notifies the RPO for the next Control Period, there shall not be any RPO on the Petitioner for the quantum of electricity consumed from its captive co-generation sources; (c) Exempt the Petitioner from RPO for 2nd Control Period when its consumption from co-generation CGP is more than its RPO for the respective time period.

2. To substantiate its prayer, the Petitioner-M/s. NALCO has submitted the following:

- (a) The Commission notified the OERC (Renewable Purchase Obligations and its Compliance) Regulations, 2010 which made it mandatory for all Obligated Entities in the State of Odisha to purchase certain percentage of their total consumption of conventional power from Renewable energy and Co-generation sources.
- (b) The Commission in *Suo-moto* Case No. 111/2011 initiated proceedings for public hearing on the prayer of some of the parties relating to waiver of solar / non-solar / co-generation Obligations under the OERC RCPO Regulations, 2010, primarily based on the Judgment dated 26.04.2010 of APTEL in Appeal No. 57 of 2009 in Century Rayon Vrs. MERC. The APTEL in para 45 have come to a conclusion that the intention of the legislature is to clearly promote co-generation irrespective of the nature of fuel used and not co-generation or generation from renewable energy sources alone. In para 46 of that order it has been stated that, “... *While concluding, we must make it clear that the Appeal being generic in nature, our conclusions in this Appeal will be equally applicable to all co-generation based captive consumers who may be using any fuel.*” The Commission observed in Order dated 13.02.2012 in Case No. 111/2011 that the Order of APTEL relates to the Regulation of MERC and not applicable to the OERC RCPO Regulations, 2010. In Para 24 of this Order the Commission has clarified as under:
 - i) The Obligation in respect of Co-generation can be met from both solar and non-solar sources to achieve the total purchase requirement of the financial year but the solar and non-solar Purchase Obligations has to be met mandatorily by the Obligated Entities.

- ii) The Commission made it abundantly clear that consuming electricity only from Co-generation sources shall not relieve any obligated entity from its responsibility of meeting Renewable obligations of solar and non-solar renewable energy certificates (RECs).
- (c) The Commission also rejected the Application of the Petitioner in Case No. 21/2013 seeking waiver/ exemption from renewable and co-generation energy obligation based on the Judgments of APTEL in Appeal No. 54/2012 (M/s. Emami Vrs. OERC & Others) and Appeal No. 59 of 2012 (M/s. Vedanta Aluminum Ltd. Vrs. OERC & Others). The Commission vide its Order dated 21.11.2013 made the following observations:

“In this context we are of the view that the order of the Hon’ble APTEL applies to the petitioners in those cases only. However, the Commission have gone on appeal to the Hon’ble Apex Court against those Judgments in Civil Appeals Nos.5466 & 5467 of 2013 (OERC Vrs. GRIDCO & Others & OERC Vrs. M/s. Vedanta Aluminium Ltd. & Others). Furthermore, Hon’ble ATE vide its Judgment dated 30.01.2013 and 31.01.2013 has set aside the Commission’s suo-moto clarifying order dated 13.02.2012 passed in Proceeding Case No.111 of 2011 which are applicable to only such ‘obligated entity’ who do not have any co-generation facilities allowing them to meet the total RPO from solar and non-solar obligation. M/s. NALCO do not come under such obligated entity. Therefore, NALCO is to abide by the existing Regulation of the Commission.”

- (d) NALCO being aggrieved by the Orders of the Commission in Case No.21/2013, 54/2014, and 59/2014 filed Appeals before the APTEL which were registered as Appeal No. 223 of 2016, 260 of 2015 and 261 of 2015. Utkal Alumina International Ltd. also filed an Appeal No. 292 of 2016 before APTEL against the Order of the Commission in Case No. 36/2015. APTEL disposed all four nos. of Appeals by Judgment dated 02.11.2020. The summary of findings of the Hon’ble APTEL is reproduced below:

“83. In order to appreciate what the Act contemplate, we must see what co-generation means and so also what Section 86(1)(e) of the Act contemplates. Section 2(12) of the Act defines co-generation. Section 2(12) and Section 86(1)(e) of the Act read as under:

“Section 2(12)

“Cogeneration” means a process which simultaneously produces two or more forms of useful energy (including electricity).”

“Section 86(1)(e)

Promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for

purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;”

84. *The first case that is relevant for our consideration is **Century Rayon Vs. Maharashtra Electricity Regulatory Commission**. Paragraphs 45 & 46 thereof are relevant, which read as under:*

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85. *From the above Judgment, it is crystal clear that in terms of Section 86(1)(e) co-generating plants have to be treated on par with renewable energy generating plants. This Tribunal opined that the captive consumers of power from their own generating plants cannot be imposed with the obligation of procuring electricity from renewable energy sources. This judgment was followed consistently by this Tribunal in several cases including Emami Paper Mills Limited’s case.*
86. *This Tribunal in the judgment of “**JSW Steel Limited vs. Tamil Nadu Electricity Regulatory Commission**” (Appeal No.278 of 2015) did point out that in spite of this consistent view of the Tribunal about the obligation of co-generating plants to purchase renewable energy, the Regulatory Commissions consistently failed to take judicial note of the precedent and still proceeded to pass judgments without evaluating the facts available in a particular matter.*
87. *Then coming to the Full Bench judgment of this Tribunal in “**Lloyds Metal & Energy Ltd. Vs. Maharashtra Electricity Regulatory Commission & Others**” on more than one occasion this Tribunal opined that the Full Bench after hearing all the parties at length had set aside only para 45(ii) of the Judgment in Century Rayon’s case and not the entire judgment of Century Rayon’s case. Therefore, the Appellants are justified to contend that the Respondent-Commission was not justified in opining that in Lloyds Metal & Energy Limited’s case entire judgment of Century Rayon was set aside. This opinion of the Appellants seems to be valid since subsequent to the judgment of the Full Bench in Lloyds Metal & Energy Limited’s case, this Tribunal continued to place reliance on the opinion expressed in the Century Rayon Case on the point that co-generation based captive power plants cannot be fastened with the liability of RPO. One such judgment is in “**India Glycols Ltd. Vs. Uttarakhand Electricity Regulatory Commission**” (Appeal No. 112 of 2014). Relevant paragraphs at 10, 20, 21, 22 & 23 thereof read as under:*

“10. The only issue that arise for our consideration is whether cogeneration based captive power plant can at all be fastened with Renewable Purchase Obligation (RPO) and whether the Notification, dated 3.11.2010, could have at all fastened on each of the Appellants, in defiance of the statutory mandate of Section 86(1)(e) of the Electricity Act, 2003 as also ignoring the decision dated 26.4.2010 of this Appellate Tribunal in Century Rayon case?

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20. *In view of the above considerations and analysis, we note that the impugned order passed by the State Commission suffers from the vice of illegality and the same is against the legal proposition laid*

down by this Appellate Tribunal in its judgment, dated 26.4.2010, in Appeal No.57 of 2009 in the case of Century Rayon vs MERC. The approach of the State Commission in passing the impugned orders appears to be quite illegal, invalid and unjust, which cannot be appreciated by this Appellate Tribunal by any stretch of imagination.

21. Consequently, we observe that the impugned orders dated 13.3.2014 (subject matter in Appeal No. 112 of 2014) and, dated 10.4.2014 (subject matter in Appeal Nos. 130 and 136 of 2014), suffer from illegality and perversity. We find force in the submissions of the Appellants and they are entitled to the relief claimed by them before the State Commission in the form of filing reply to show cause notices and also by filing petitions. The findings recorded by the State Commission in the impugned order, are illegal, perverse and are based on improper and erroneous appreciation of the facts and law. The approach adopted by the State Commission is also not appreciable as the State Commission should have exercised its power to relax in order to implement the judgment, dated 26.4.2010, passed by this Appellate Tribunal in Appeal No. 57 of 2009 in the case of Century Rayon vs. MERC, and also to give relief to the Appellants-petitioners. All the findings recorded by the State Commission in the impugned orders, so far as the Appellants-petitioners are concerned, are hereby set-aside and the impugned orders are liable to be quashed. Accordingly, in view of the above findings and observations, the issue is decided in favour of the Appellant and against the Respondent.
22. We further observe and make it clear that each of the Appellants, who filed the petitions before the State Commission, claiming that each of the them being a co-generation based captive power plant/ captive user was under no obligation to make purchases of Renewable Energy Certificates under the Principal Regulations, 2010, is entitled to the benefit of the judgment, dated 26.4.2010, passed by this Appellate Tribunal in Appeal No. 57 of 2009 in the case of Century Rayon vs. MERC, and they are accordingly, exempted from the obligation of procuring renewable energy and fulfilling their renewable energy obligation for FYs 2011-12, 2012-13 and 2013-14 (upto 27.12.2013).
23. **Summary of our findings:**
The Co-generation based Captive Power Plant/ Captive user cannot be fastened with renewable purchase obligation as provided under UERC (Compliance of RPO) Regulations, 2010, as subsequently, amended by UERC (Compliance of RPO) (First Amendment) Regulations, 2013. The judgment, dated 26.4.2010 of this Appellate Tribunal in Appeal No. 57 of 2009 in the case of Century Rayon vs. MERC, whereby the provisions of Section 86(1)(e) of the Electricity Act, 2003 were interpreted and in compliance of which the learned State Commission has amended the definition 'Obligated entity' as was then existing in UERC

(Compliance of RPO) Regulations, 2010 by UERC (Compliance of RPO) (First Amendment) Regulations, 2013, shall be held to be applicable from the date of the judgment itself. Though, in compliance of the said judgment, dated 26.4.2010, the Regulations were amended in the year 2013 by the State Commission. It was a fit case where the State Commission should have exercised its power to relax according to its own Regulations in order to give effect to the judgment, dated 26.4.2010, passed by this Appellate Tribunal in Appeal No. 57 of 2009, in the case of Century Rayon vs. MERC in letter and spirit, in order to give relief to the Co-generation based Captive Power Plants/ Captive users entitled to it.

88. *Coming to the contention of the Respondents that in the light of judgment of the Apex Court in “**Hindustan Zinc Ltd. vs. RERC**” (C.A. No.4417/2015), none of the above mentioned judgments would be of any help to the Respondents. We note what exactly was involved in Hindustan Zinc Limited’s case. In the said case the issue which came up for consideration before the Apex Court was “whether (Renewable Energy Obligation) Regulations, 2007 and Rajasthan Electricity Regulatory Commission (Renewable Energy Certificate and Renewable Purchase Obligation Compliance Framework) Regulations, 2010 brought by Rajasthan Electricity Regulatory Commission were violated or not.” In that context only, Hon’ble Apex Court was considering the case on hand. In other words, the Hon’ble Apex Court was not considering the controversy like that of these appeals i.e. whether captive generating plants are obliged to comply with RPO obligation.*
89. *In the instant appeals, none of the Appellants are questioning the validity of any of the Regulations. The Appellants are claiming exemption from RPO, who are taking protection under Section 86(1)(e) of the Electricity Act. This Tribunal consistently has opined that co-generating plants are exempted from complying with RPO Regulations in the light of having special status/ protection under Section 86(1)(e) of the Act.*
90. *It is pertinent to mention that this Tribunal has further opined that even if Regulations impose renewable purchase obligation on co-generation plants, in such a situation, those Regulations have to be read down in view of protection/ special status granted to co-generation plants under statute i.e. Section 86(1)(e) of the Act.*
91. *In the recent times, this Tribunal on more than one occasion, in the following appeals opined that a co-generation facility irrespective of nature of fuel used in such plants has to be promoted and encouraged in terms of Section 86(1)(e) of the Act.*
 - a) *Judgment dated 02.01.2019 in Appeal No.278/15 titled “**JSW Steel Limited &Ors., vs. Tamil Nadu Electricity Regulatory Commission &Ors.,**”*
 - b) *Judgment dated 09.04.2019 in Appeal Nos. 322 of 2016 and 333 of 2016 titled “**M/s. Ultratech Cement Limited vs. Karnataka Electricity Regulatory Commission.**”*

92. *In light of our discussion and reasoning, we are of the opinion that all the Appellants being co-generation plants cannot be fastened with liability of purchasing power from renewable sources to meet RPO obligation. Accordingly, the Appeals are allowed by setting aside the orders impugned in these appeals.”*

- (e) As per various orders of the APTEL, the Commission has passed the following Order dated 08.12.2020 in Case No. 66/2019, in the matter of exemption and relaxation from applicability of RPO and compliance thereof to M/s. Tata Steel Ltd. which generates such captive co-generation power from waste heat recovery process:

“16. *Heard the parties at length. The Commission observed that as per the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015, the petitioner company is an obligated entity since it consumes electricity from its CGPs having capacity of 1 MW and above and also procures power through open access for its use. In the present application the petitioner has submitted that its CGPs are having co-generation facility and cited various judgements of Hon’ble APTEL, in respect of relaxation of RPO in case of Co-generation power plants.*

17. *Therefore, considering the various judgements of the Hon’ble APTEL as submitted by the petitioner and its prayer, this Commission is inclined to relax the provision for industry of the Petitioner having co-generation CGP under Regulation 12.6 and 12.7 of the OERC RPO Regulations, 2015, towards its obligation for meeting renewable purchase obligation treating the Petitioner as a co-generation plant. The petitioner shall be exempted from Renewable purchase Obligation when its consumption from cogeneration CGP is more than its Renewable Purchase Obligation for the respective time period. This is because the petitioner also avails its power from sources other than Cogeneration CGP. OREDA shall monitor its Cogeneration Consumption and Renewable purchase obligation accordingly. The relaxation shall be applicable from FY 2019-20 onwards since the transaction of REC has already been settled for past periods. We are relaxing the provisions of the Regulation on the basis of the judgement of Hon’ble APTEL and the said judgements have not dealt with any refund of REC and a settled thing cannot be unsettled now. The petitioner shall provide necessary data/ information on its consumption and generation and also power availed through open access, to OREDA as and when required by it for verification with regard to RPO compliance.”*

- (f) The Petitioner submitted the following RPO Summary Statement (Year-wise) upto 09.09.2015 (RPO Cycle-I), based on APTEL Order Dated 02.11.2020:

FY	RPO %	Total consumption in MU	Total RPO Obligation in MU	Co-Gen certified by GRIDCO in MU	Compliance in MU		Cumulative Excess Co-gen in MU	Cumulative RECs issued
					Non Solar RECs	Solar Power		
2011-12	5%	6527.372	326.369	340.012	30.694	0.000	44.337	0
2012-13	5.50%	6408.205	352.451	337.719	0.000	0.000	29.605	0
2013-14	6%	5357.671	321.460	392.451	0.000	0.000	100.596	119417
2014-15	6.50%	5509.820	358.138	402.904	0.000	0.167	145.528	294224
2015-16 upto 9.9.2015	7%	2662.301	186.361	182.152	0.000	0.266	141.585	388199

(g) Further, the Commission in its Notification dated 31.12.2019 has pegged the obligation at 3.00% (0.50% solar and 2.50% non-solar) for CGPs commissioned before 01.04.2016. The petitioner has stated that RPO of NALCO has been fully complied for the period from FY 2015-16 (from 10.09.2015) up to FY 2019-20 in accordance with OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015, and OERC Notification dated 31.12.2019 as based on the submissions made above. The petitioner further submitted that the Commission may give effect to the above provisions under Regulations 12.6 and 12.7 of the RPO Regulations, 2015, empowering the Commission to remove difficulties and relax any of the provisions.

3. The Respondent OREDA submitted that the petitioner is having 10 nos of CPPs having total capacity of 1200 MW commissioned before 01.06.2016. NALCO also has a steam and power plant consisting of 5 units having total capacity of 92.5 MW among which 18.5 MW commissioned on 30.12.2017. Further, the petitioner has 630 kWp solar power plant and 198.4 MW wind power projects. NALCO is an identified obligated entity under OERC RPO Regulation, 2010 and 2015. OREDA stated that the Commission had fastened co-generation obligation in the first control period and also permitted meeting of cogeneration obligation though solar and non-solar. OREDA has requested Commission that the claim of M/s. NALCO to declare them as a fully compliant entity may be considered. The Commission may issue suitable guidelines in this regard since similar requests are also expected from other equally placed entities. If the WHRB based power plants of the petitioner are recognized as co-generation power plant and power

generated from such plant is considered as renewable power, the Commission may consider relaxing the provision of applicability of RPO and its compliance thereof.

4. Heard the petitioner and respondents through virtual mode. The Commission has observed that the Petitioner M/s. NALCO has a steam and power plant of 92.5 MW having co-generation facilities. It consists of 5 units each of 18.5 MW (total capacity of 92.5 MW) out of which one unit of 18.5 MW was commissioned on 30.12.2017 and rest four units were commissioned in 2010. The Commission had earlier notified the OERC (Renewable Purchase Obligations and its Compliance) Regulations, 2010 which made it mandatory for all Obligated Entities in the State of Odisha to purchase certain percentage of their total consumption of conventional power from Renewable energy and Co-generation sources as below:

Year-wise target	Minimum quantum of purchase in percentage (in terms of energy consumption in State in KWH)			
	Renewable		Co-generation	Total
	Solar	Non-solar		
2009-10(Actual)	-	0.80	3.45	4.25
2010-11	-	1.00	3.50	4.50
2011-12	0.10	1.20	3.70	5.00
2012-13	0.15	1.40	3.95	5.50
2013-14	0.20	1.60	4.20	6.00
2014-15	0.25	1.80	4.45	6.50
2015-16	0.30	2.00	4.70	7.00

5. Earlier, in Case No. 36/2015 between M/s. Utkal Alumina International Ltd. Vs OREDA, the Commission has decided the following:

“17. Because of divergence on the issue with APTEL this Commission has gone an appeal through SLP No. 5466 of 2013 and 5467 of 2013 to Hon’ble Supreme Court. The decisions of the said Court are awaited.

18. It has been submitted by the petitioner that its plant uses fossil fuel for production of steam to be eventually used in the process and the generating plant thus satisfies the condition of co-generation plant.

19. Therefore, we find no merit in the present application of the petitioner. We do not find any new parameters to consider for departure from our earlier decisions. We do not agree with the petitioner and hold the view that the petitioner is an obligated entity and required to fulfill RPO Obligations as enshrined under RCPO Regulations, 2010.

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21. From above, we are of the opinion that in the present circumstances the petitioner is an obligated entity and has to comply the renewable purchase obligations mandated under the RCPO Regulations, 2010 subject to final

outcome on the issue by Hon'ble High Court and Hon'ble Supreme Court of India in the above appeals."

Accordingly, the Petitioner shall comply with the cogeneration obligation as per the OERC (Renewable Purchase Obligations and its Compliance) Regulations, 2010 for the first control period, i.e., till FY 2015-16 for the power generated from four units of steam and power plant commissioned in 2010 subject to final outcome of cases pending before Hon'ble Supreme Court of India in the SLP Nos. 5466 of 2013 and 5467 of 2013.

6. The Commission further observed that under Section 86(1)(e) of the Electricity Act, 2003, it is mandated for promotion of co-generation and generation of electricity from renewable sources of energy. However, as per various orders of the APTEL, the Commission has passed the following Order dated 08.12.2020 in Case No. 66/2019, in the matter of exemption and relaxation from applicability of RPO and its compliance thereof to M/s. Tata Steel Ltd.:

"16. Heard the parties at length. The Commission observed that as per the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015, the petitioner company is an obligated entity since it consumes electricity from its CGPs having capacity of 1 MW and above and also procures power through open access for its use. In the present application the petitioner has submitted that its CGPs are having co-generation facility and cited various judgements of Hon'ble APTEL in respect of relaxation of RPO in case of Co-generation power plants.

17. Therefore, considering the various judgements of the Hon'ble APTEL as submitted by the petitioner and its prayer, this Commission is inclined to relax the provision for industry of the Petitioner having co-generation CGP under Regulation 12.6 and 12.7 of the OERC RPO Regulations, 2015, towards its obligation for meeting renewable purchase obligation treating the Petitioner as a co-generation plant. The petitioner shall be exempted from Renewable purchase Obligation when its consumption from cogeneration CGP is more than its Renewable Purchase Obligation for the respective time period. This is because the petitioner also avails its power from sources other than Cogeneration CGP. OREDA shall monitor its Cogeneration Consumption and Renewable purchase obligation accordingly. The relaxation shall be applicable from FY 2019-20 onwards since the transaction of REC has already been settled for past periods. We are relaxing the provisions of the Regulation on the basis of the judgement of Hon'ble APTEL and the said judgements have not dealt with any refund of REC and a settled thing cannot be unsettled now. The petitioner shall provide necessary data/information on its consumption and generation and also power availed through open access, to OREDA as and when required by it for verification with regard to RPO compliance."

7. The Commission observed that in the instant case the Petitioner's steam and power plant of capacity 92.5 MW (5X18.5 MW) is having co-generation facilities. Therefore, the directions of the Commission in the aforesaid Case no. 66/2019 dated 08.12.2020 shall

be applicable to M/s. NALCO in the present case and the Petitioner's co-generation facility shall be exempted from RPO when the Petitioner's consumption from its co-generation sources is more than its RPO for the respective time period in second control period from FY 2015-16 till FY 2020-21. If the consumption from cogeneration sources is less than its RPO, the Petitioner shall offset the remaining obligation through procurement of renewable power and/or through RECs. For the Conventional CGP of 1200 MW capacity and all other such plants which are not recognized as co-generation plants, RPO shall be as per OERC Regulations for the relevant period.

8. The state agency OREDA is directed to compute the RPO of the Petitioner based on its total consumption and compare the same with the consumption from its co-generation sources separately for the first and second control period, i.e., from FY 2011-12 to FY 2015-16 and FY 2015-16 to FY 2020-21 respectively. If there is a shortfall in fulfillment of Obligation in first control period, it shall be met by the petitioner through procurement of renewable power and/or through RECs. Similarly, if there is excess RECs in the first control period, the same shall be carried forward to the second control period (including the excess eligible RECs). Only RECs those have not expired shall be allowed for carry forward. After the second control period, the RPO of the petitioner shall be governed as per the provisions of OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2021. OREDA is directed to verify the validity of excess RECs (if any) for the first control period, i.e. from FY 2011-12 to FY 2015-16. Regarding the second control period, i.e., from FY 2015-16 till FY 2020-21, the Petitioner's co-generation facility shall be exempted from RPO when its consumption from its co-generation sources is more than its RPO for the respective time period. The petitioner is directed to provide the data/ information as required by OREDA for computation of RPO from FY 2011-12 till FY 2020-21. OREDA may also collect the required data/ information from the office of EIC and SLDC for verifying the compliance data provided by the Petitioner. The EIC and SLDC are directed to provide the required data for the purpose as and when sought by OREDA.
9. The case is accordingly disposed of.

Sd/-

(S. K. Ray Mohapatra)
Member

Sd/-

(G. Mohapatra)
Officiating Chairperson